

2000 ARKANSAS JUDICIAL ELECTIONS

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HELPFUL ADDRESSES AND PHONE NUMBERS

Questions on candidate qualifications, filing procedures or to obtain reporting forms:

Sharon Priest

2000

Secretary of State
State)

Elections Division

State Capitol, Room 026

Little Rock, AR 72201

1-800-482-1127; (501) 682-5070

(See Candidate Information Election

published by Arkansas Secretary of

Questions on campaign financing and disclosure requirements:

Arkansas Ethics Commission

910 West Second Street

Little Rock, AR 72201

1-800-422-7773; (501) 324-9600

Questions on filing fees:

Republican Party of Arkansas

1201 West Sixth Street

Little Rock, AR 72201

(501) 372-7301

Democratic Party of Arkansas
1300 West Capitol Avenue
Little Rock, AR 72201
(501) 374-2361

Questions on municipal judicial races:

Arkansas Municipal League
301 West Second Street
North Little Rock, AR 72115
(501) 374-3484

Questions on Arkansas Code of Judicial Conduct:

Judicial Ethics Advisory Committee
Attn: James Badami
323 Center Street, Suite 1060
Little Rock, AR 72201
(501) 682-1050

Questions Regarding this AOC Publication

Larry Brady
John Millar
(501) 682-9400

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STATE-WIDE, DISTRICT AND MUNICIPAL JUDICIAL OFFICES

Terms of Judicial Offices

Supreme Court: 8 year term (Ark. Const. Art. 7, §6)

Court of Appeals: 8 year term (A.C.A. §16-12-101) (4 year term for position 2 judges elected November 2000, See Act 889 of 1999)

Chancery: 6 year term (A.C.A. §16-13-309)

Circuit: 4 year term (Ark. Const. Art. 7, §17)

Circuit/Chancery: 4 year term (Ark. Const. Art. 7, §17)

Municipal: generally a 4 year term (A.C.A. §16-17-207)

Qualifications for Judicial Offices

GENERAL QUALIFICATIONS:

- Learned in the law;
- U.S. Citizen;
- Arkansas resident for two years prior to election;
- Good moral character;
- Arkansas registered voter;
- Does not hold any other state or federal office or civil commission;
- Never has been convicted of embezzlement of public money, bribery or forgery;

SPECIFIC QUALIFICATIONS:

· **Supreme Court**

Must be at least 30 years old

Must have practiced law eight years

· **Court of Appeals**

Must be at least 30 years old

Must have practiced law eight years.

Must be residents of the district from which they seek election

· **Circuit Judge or Chancery Judge**

Must be at least 28 years old

Must have practiced law six years

Must be resident of the State for 2 years

· **Municipal Judge:**

Must be at least 25 years old

Must have practiced law for 3 years within this state EXCEPT:

- In any city having an aldermanic form of government and a population of 15,000 persons or less, any attorney regularly licensed to practice law in this state shall be eligible. (See Ark. Code Ann. ¶16-17-104)

- Paragould and Ft. Smith require 6 years (see Ark. Code Ann. ¶16-17-108)

- Judges for cities which fall under Ark. Code Ann. ¶16-17-501 to 503.

Must be registered voters of the judicial subdivision wherein the court sits.

Ark. Const. Art. 7, §16; A.C.A. §16-13-309, 16-17-104; Ark. Const. Art. 7, §6; Ark. Const. Amendment 58, §1.

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FILING PROCEDURES

Partisan Candidates for District or State Offices (A.C.A. §7-7-301, 7-6-102, 7-7-203)

- Pay party filing fees to the state party of his/her political affiliation;
- Receive an affidavit of eligibility from his/her political party;
- File the Political Practice Pledge with the Secretary of State's office.
- Furnish written evidence of paid filing fees and party eligibility to the Secretary of State.

Partisan Candidates for Municipal and County Offices (A.C.A. §7-7-301, 7-6-102, 7-7-203)

- Pay party filing fees to the secretary of the county committee of his/her political affiliation;
- Receive an affidavit of eligibility from his/her political party;
- File the Political Practice Pledge with the county clerk of his/her county of residence;
- Furnish written evidence of paid filing fees and party eligibility to the county clerk.

Independent Candidates for District Offices (A.C.A. §7-7-103, 7-6-102)

- File notice of candidacy identifying the elective office (by noon on April 4, 2000)
- File nominating petition
 - by May 1 of election year
 - with the Secretary of State
 - signed by at least three percent (3%) up to a maximum of 2,000 of the qualified voters in his/her jurisdiction
- File a Political Practice Pledge at the time of filing the petition for nomination.
- Petitions may be circulated no earlier than 60 calendar days prior to the deadline for filing petitions.
- A person who has been defeated in a party primary shall not be permitted to file as an

independent candidate in the general election for the office for which he was defeated in the party primary.

Independent Candidates for County Office (A.C.A. §7-7-103, 7-6-102)

- File notice of candidacy identifying the elective office (by noon on April 4, 2000)
- File nominating petition
 - by May 1 of the election year
 - with the county clerk
 - signed by at least three percent (3%) up to a maximum of 2,000 of the qualified voters in his/her jurisdiction
- File a Political Practice Pledge at the time of filing the petition for nomination.
- Petitions may be circulated no earlier than 60 calendar days prior to the deadline for filing petitions.
- A person who has been defeated in a party primary shall not be permitted to file as an independent candidate in the general election for the office for which he was

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defeated in the party primary.

Independent Candidates for Municipal Office (A.C.A. §7-7-103; Act 886 of 1997; 7-6-102)

- File notice of candidacy identifying the elective office
- File nominating petition
 - not less than sixty (60) days nor more than eighty (80) days before the general election
 - with county clerk
 - signed by at least ten of electors for incorporated towns and cities of the second class and not less than thirty electors for cities of the first class of the city in which the election is to be held.
- File a Political Practice Pledge with the county clerk at the time of filing the petition for nomination.
- A person who has been defeated in a party primary shall not be permitted to file as an independent candidate in the general election for the office for which he was defeated in the party primary.

Independent Candidates for Statewide Office (A.C.A. §7-7-103, 7-6-102)

- File notice of candidacy identifying the elective office
- File nomination petition
 - May 1 of the election year
 - with Secretary of State
 - signed by not less than three percent (3%) or 10,000 of the qualified voters of the state, whichever is less.
- File a Political Practice Pledge at the time of filing the petition for nomination.
- A person who has been defeated in a party primary shall not be permitted to file as an independent candidate in the general election for the office for which he was defeated in the party primary.

Write-in Candidates for Statewide or District Offices (A.C.A. §7-5-205, 7-6-102)

- File written notice of intent with the Secretary of State no later than 60 days before the election;
- File Political Practice Pledge with the Secretary of State no later than 60 days before the election.

Write-in Candidates for County Offices (A.C.A. §7-5-205, 7-6-102)

- File written notice of intent with the County Board of Election Commissioners and their county clerk no later than 60 days before the election;
- File Political Practice Pledge with the county clerk no later than 60 days before the election.

Write-in Candidates for Municipal Offices (A.C.A. §14-43-202)

- Ballots are not counted for write-in candidates for municipal offices in general elections held in cities of the first class, second class and incorporated towns.

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Filing Fees

Filing fees are established by the state executive committee of each political party. [A.C.A. §7-7-301(a)(2)] [See phone numbers and addresses on page 2]

DEMOCRATIC PARTY FEES FOR DISTRICT/STATEWIDE OFFICES:

The filing fee for judicial candidates running as members of the Democratic party in the 2000

election were *not yet set at the time of printing this publication*.

To provide some guidance for potential fee amounts, the fees for the 1998 election are being provided. They were as follows: \$3,000 for candidates for chancery judge; \$2,000 for candidates for circuit judge; \$2,000 for candidates for circuit/chancery judge; \$8,000 for candidates for Court of Appeals and \$8,000 for candidates for the Supreme Court.

REPUBLICAN PARTY FEES FOR DISTRICT/STATEWIDE OFFICES:

The filing fee for judicial candidates running as members of the Republican party in the 2000 election are as follows:

Circuit Judge	\$2,000
Chancery Judge	\$2,000
Circuit/Chancery Judge	\$2,000
Court of Appeals	\$2,750
Supreme Court	\$4,000

COUNTY/MUNICIPAL OFFICES:

The filing fee for county and municipal offices is fixed by the county committee of the political party, as authorized by the state executive committee of the political party.

Note: The filing fees quoted above are for a full term and should be pro-rated if seeking a shorter, incomplete term.

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POLITICAL PRACTICES ACT & PLEDGE

Under A.C.A. §7-6-102 all candidates are required to file a Political Practice Pledge stating that they will comply with Arkansas law regarding unlawful election activities and their penalties as described in A.C.A. §7-1-103, -104, 7-3-108 and 7-6-101 - 104. Failure to file the pledge is grounds for prohibiting a candidate's name from being placed on the ballot.

The pledge must contain the following language:

I hereby certify that I have never been convicted of a felony in Arkansas or in any other jurisdiction outside of Arkansas.

A candidate whose record has been expunged may certify that he or she was never convicted if that candidate presents a certificate of expungement from the court in which the candidate was convicted.

WHERE TO FILE:

- Candidates for statewide or district offices must file the pledge with the Secretary of

State.

- Candidates for municipal or county offices must file with the County Clerk.

WHEN TO FILE:

- Pledges are due no later than noon fourteen (14) days after the third Tuesday in March before the preferential primary election.
- Independent candidates must file the pledge at the same time that petitions for nomination are filed. However, independent candidates for municipal office must file by noon not less than 60 days before the general election.
- Write-in candidates must file Political Practice Pledge at the time of filing the notice to be a write-in candidate.

The Political Practice Pledge may be obtained from the Secretary of State's office.

CANDIDATE EXPLORATORY COMMITTEE

An Exploratory Committee is a person or organization that receives contributions to be held for transfer to the campaign of a single candidate in an election. It is not an organized political party or the candidate's own campaign committee.

The Exploratory Committee must file Registration and Contribution Reports. These reports are discussed in more detail in the section below entitled "Campaign Finance and Disclosure Requirements." Reporting forms are available at the office of the Secretary of State.

A.C.A. §7-6-201, -203 and -216

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CAMPAIGN FINANCE AND DISCLOSURE REQUIREMENTS

General Requirements

Generally, Arkansas laws governing election practices (which are found at A.C.A. 7-6-101 et seq.) impose the following requirements:

- Campaign contributions, including a candidate's personal funds, are subject to disclosure.
- All contributions must be made either to *the candidate* or the candidate's committee.
 - see Arkansas Judicial Code of Conduct Canon 5 (C)(2) which states that a judicial candidate shall not personally accept campaign contributions
- Candidates are prohibited from accepting a *cash* contribution in excess of \$100.00 or making an expenditure in cash in excess of \$50.00 except that the filing fee may be paid in cash if properly reported as such.

- The maximum allowable contribution from any person, except for the candidate himself, is \$1000 per candidate per election.^{[1](#)}
 - The primary, run-off and general election are each considered a separate election.
 - These caps apply also to any person acting in the candidate's behalf.
 - However, a state political party and a "small donor political action committee" may give a candidate up to \$2,500.00 per election.
 - [See State Campaign Finance Contribution Limits on page 13.](#)
- No candidate may accept contributions from non-registered and non-approved political action committees ("PACs"), and it is the candidate's responsibility to determine eligibility prior to accepting any contribution.
- Anonymous contributions cannot exceed \$50.00 in a calendar year, and any anonymous contributions in excess of this amount must be turned over to the Secretary of State for deposit in the general treasury.
- A candidate shall not take any campaign fund as personal income or as income for his or her spouse or dependent children.
 - However, an opposed candidate is allowed to use campaign funds as personal income if he or she has taken during the campaign a leave without pay from primary employment, in which case, he/she may take only up to the amount of employment income lost.
 - The candidate who uses campaign funds as income may elect to treat the campaign funds as a loan from the campaign fund to the candidate to be paid back to the campaign fund by the candidate.
- It is unlawful for a candidate or an exploratory committee to solicit or accept campaign contributions more than two years before the first election at which the candidate seeks nomination or election.

^{[1](#)} See Ark. Code Ann. ¶7-6-203 which states that the maximum allowable contributions are \$300 and \$100 from individuals, depending on the office. See also *Russell v. Burris*, 978 F. Supp. 1211 (E.D. Ark. 1997), aff'd in part and rev'd in part, 146 F.3d 563 (8th Cir. 1998), cert. denied, - U.S. - , 119 S. Ct. 510, 142 L.Ed. 2d 423 (1998). Those cases found the \$300 and \$100 limits unconstitutional. The Arkansas Ethics Commission enforces the \$1,000 figure.

In addition to the general requirements, candidates for judicial offices must also comply with the Arkansas Code of Judicial Conduct which in some instances imposes more stringent requirements. Canon 5 (C)(2) states that a candidate shall not personally solicit or accept campaign contributions, and in the event any funds are personally received, they shall be promptly turned over to the campaign committee. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate. Financial support is to be solicited by the campaign committee. The purpose of the committee is to isolate the candidate from involvement in fund-raising. The candidate at the outset of the campaign is required to instruct the committee to solicit or accept contributions that are reasonable under the circumstances.

The Committee can solicit funds no earlier than 180 days before a primary election, and all committee solicitations must cease no later than 45 days after the last contested election in which the candidate appears. Funds received prior to the 180 day period or after the 45 day period are to be returned to the contributor. Contributors must be given notice if funds are solicited to retire a campaign debt [A.C.A. §7-6-219(b)].

Under Canon 5, judicial candidates are permitted to purchase tickets for and attend political gatherings, and to contribute to a political organization.

[See page 21 for the full text of Canon 5.](#)

Who Must File Financial Reports

Any candidate running for a state, district, or county office must file certain reports, and a candidate's exploratory committee (a person or organization, but not a political party or the campaign committee, which receives contributions to be held for transfer to the campaign) must make a separate filing.

What Financial Reports to File (A.C.A. §7-6-207)

Campaign Contribution and Expenditure Reports. Any candidate with contributions or expenditures over \$500.00 in any election must file Campaign Contribution and Expenditure Reports ("CCE"). In calculating the amount of contributions or expenditures, the amount of the filing fee from the candidate's personal funds is not considered. The Campaign Contribution and Expenditure Report records the names of the individuals or businesses who financially support the candidate, and account for campaign expenditures. [A.C.A. §7-6-207(b)] These reports are available from the Secretary of State or County Clerk.

Statement of Financial Interest. The Statement of Financial Interest ("SFI") requires candidates to disclose personal income information about themselves and their spouses. (A.C.A. §21-8-701)

Registration and Contribution Reports. The Candidate Exploratory Committee must file these reports. These reports disclose information about the committee and list contributions received. Forms are available from the Secretary of State.

Where to File Financial Reports

<u>Office</u>	<u>CCE</u>	<u>SFI</u>
State	Secretary of State & County Clerk	Secretary of State
District	Same as above	Same as above
County	County Clerk	County Clerk
Municipal	County Clerk	City Clerk or Recorder

Exploratory Committee's Registration and Contribution Reports for all offices must be filed with Secretary of State.

When to File Financial Reports (A.C.A. §7-6-207) (County and municipal candidates see A.C.A. §§7-6-208 - 209)

See the Filing and Financial Reporting Calendar on page 14 for specific filing dates.

STATE/DISTRICT CANDIDATES:

- *Registration and Contribution Reports.* The Exploratory Committee must file the Registration Form within 15 days after accepting contributions exceeding \$500.00 during a calendar year. Contribution Reports are filed monthly within 15 days of the end of each month and the final monthly report must be filed within 15 days after the end of the month in which the committee either transfers its contributions to a candidate's campaign or no longer accepts contributions.
- *Statement of Financial Interest.* The Statement of Financial Interest must be filed by January 31 of each year or within 30 days after the deadline for filing for the office sought.
- *Monthly Campaign Contribution and Expenditure Reports.* The initial Campaign Contribution and Expenditure report must be filed within 15 days after the end of the calendar quarter in which the total contributions or expenditures exceed \$500.00. Beginning with the month of January in the calendar year of the election, the candidates who have exceeded the \$500.00 threshold must file a monthly report within 15 days of the end of each month until the election.
- *Pre-Election Reports.* No later than 7 days before any election, candidates must file a pre-election report covering all contributions received and expenditures made between the period covered by the previous report and the 10-day period before the election. This report must be received by the due date. It is deemed filed when it is received - not the date of the postmark. No monthly report is required to cover days included in a pre-election report, but those days should be carried forward and included in the final monthly report. Unopposed candidates are not required to file the 10-day pre-election report.

- *Final Monthly Reports.* Due within 30 days after the month of the election at which time the candidate must declare a surplus or deficit. In the case of a primary or runoff election, days not covered by the final report shall be carried forward and included in the next monthly report.
- *Quarterly Reports.* If contributions or expenditures continue after the final monthly report, this information must be included in a quarterly report due April 15, July 15, October 15, and/or January 15. These reports continue in years in which person does not appear on the ballot.
- *Reports Not Required:*
 - a candidate who has not received or made expenditures in excess of \$500 shall not be required to file any reports
 - a candidate who is unopposed is not required to file the 10 day pre-election report

COUNTY/MUNICIPAL CANDIDATES

- *Registration and Contribution Reports.* The Exploratory Committee must file the Registration Form within 15 days after accepting contributions exceeding \$500.00 during a calendar year. Contribution Reports are filed monthly within 15 days of the end of each month and the final monthly report must be filed within 15 days after the end of the month in which the committee either transfers its contributions to a candidate's campaign or no longer accepts contributions.
- *Statement of Financial Interest.* The Statement of Financial Interest must be filed by January 31 of each year or within 30 days after the deadline for filing for the office sought.
- *Pre-Election Report.* Due 7 days prior to an election, covering all contributions received no later than 10 days before the election.
- *Final Report.* Due 30 days after an election, covering all contributions and expenditures received no earlier than 9 days prior to that election. This report shall indicate which option the candidate chooses to dispose of surplus campaign funds.
- *Supplemental Reports.* Due 30 days after the receipt of any contributions after the preparation of the final report.
- *Reports Not Required:*
 - Candidates who are unopposed in any election are not required to file any contribution reports prior to those unopposed elections.
 - The final contribution report following preferential primary elections, a general election, or a special election may be included in a final report due for the runoff election.
 - A candidate who has not received contributions in excess of \$500 shall not be required to file a pre-election report.

Filing Facts

The Secretary of State will accept the filing of reports by fax provided the original is received by the Secretary of State within 10 days of the date of faxing. A.C.A. §7-6-207. Wherever a due date falls on a Saturday, Sunday or holiday, the report shall be due the next business day. A.C.A. §7-6-225. The postmark date determines the date of filing except for pre-election reports, which must be received by the due date.

Retirement of Campaign Debt

After the election, a candidate must file a final report disclosing the campaign's financial status. Candidates for State or District offices must file a final monthly Contribution and Expenditure Report within 30 days after the month of the election. County and municipal office seekers must file a final Contribution and Expenditure Report no later than 30 days after the election.

If candidates have a debt remaining, they may solicit funds and hold fund-raisers to retire the debt, and judicial candidates are subject to the limitations of Canon 5 which were discussed above. All contributions are attributed to the previous campaign and all campaign contribution limits apply. All potential contributors must be notified that funds are being solicited for the purpose of retiring the campaign debt.

Surplus

The Judicial Ethics Advisory Committee has ruled that under Canon 5 C(2) of the Arkansas Code of Judicial Conduct there are two options with respect to a campaign surplus: (1) return to the contributors or (2) pay to the State Treasurer. This treatment of the surplus is in contrast to state law applicable to other office seekers, which provides that if candidates have a surplus in their funds as of the day of the election, then within 30 days of the election, the surplus must be disposed of in one or more of the following options: (a) a victorious candidate may keep an amount equal to the officeholder's annual salary; (b) it may be used to retire the candidate's personal campaign contribution; (c) it may be used to repay loans made to the campaign by financial institutions; (d) it may be paid to the State Treasurer for the benefit of the General Revenue Fund; (e) it may be paid to an organized political party; (f) it may be donated to nonprofit 501(c)(3) organizations; and (g) it may be returned to the contributors.

Unopposed candidates who file an affidavit agreeing not to solicit further campaign contributions may dispose of a campaign surplus as soon as the time has passed for write-in candidates to qualify. A.C.A. §7-6-203(j)(2).

Retention of Financial Records (A.C.A. §7-6-206)

Records of contributions and expenditures must be kept for a period of four years.

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<u>Contributor</u>	<u>Contribution Limitations</u>
Person Includes corporations, associations, partnerships, and other such groups	\$1,000 per candidate per election
Political Action Committee (PAC)	\$1,000 per candidate per election
Small Donor Political Action Committees	\$2,500 per candidate per election
Independent Expenditure Committee	No limit; not considered a contribution to a candidate
Political Parties	\$2,500 per candidate per election

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2000 FILING AND FINANCIAL REPORTING CALENDAR

(See Election Calendar 2000, published by Arkansas Secretary of State)

Reporting requirements are triggered upon the receipt or expenditure of more than \$500. Receipts over \$50 must be itemized as must expenditures over \$100.

January, 2000

18 4th Quarter report of contributions and expenditures due for period October 1, 1999 to December 31, 1999. Reporting requirement applies to state and district candidates.

A.C.A. §7-6-207(a)(1)(A)

31 Statement of Financial Interest is due for all incumbent officeholders. Covers 1999 calendar year. A.C.A. §21-8-701(c); 21-8-306(a)

February, 2000

15 January monthly report of contributions and expenditures due from state/district candidates for period January 1-31. A.C.A. §7-6-207(a)(1)(B)

March, 2000

2 First day for independent candidates to circulate petitions to run for office in the general election. (This does not include municipal offices.) A.C.A. §7-7-103(b)(3)

15 February monthly report of contributions and expenditures due from state/district candidates for period February 1-29. A.C.A. §7-6-207(a)(1)(B)

21 12:00 noon - Filing period opens for party candidates running for office in the preferential primary election. A.C.A. §7-7-203(c)

April, 2000

4 12:00 noon - Filing period for party candidates running in the preferential primary closes. A.C.A. §7-7-203(c)

4 12:00 noon - Deadline for party candidates for state and district offices to file political practice pledges with the Secretary of State and for county, municipal and township offices to file with the county clerk. A.C.A. §7-6-102(a)(1); §7-7-203

17 March monthly report of contributions and expenditures due from state/district candidates for period March 1-31. A.C.A. §7-6-207(a)(3)

17 First Quarter report of contributions and expenditures due for period January 1, 2000 to March 31, 2000. Reporting requirement applies to state/district candidates not on ballot in 2000. A.C.A. §7-6-207(a)(1)(A)

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18 Deadline for candidates to draw for ballot positions for the preferential primary election. A.C.A. §7-7-305(b).

22 Deadline to apply to register to vote in the preferential primary. Arkansas Constitution, Amendment 51 and A.C.A. §7-5-201; NVRA; AG Opinion 96-018A

May, 2000

1 Deadline for independent candidates to file for office and to file political pledge for state, district, county and township offices. A.C.A. §7-6-102(a)(2); §7-7-103(a)

4 Statements of Financial Interest must be filed by party candidates unless a statement was filed as an incumbent office holder by January 31, 2000. A.C.A. §21-8-701(c)

8 Early voting begins. A.C.A. §7-5-418(a)

14 Deadline to apply to register to vote in the runoff primary election. Amendment 51 and §7-5-201; NVRA; AG Opinion 96-018A

15 April monthly report of contributions and expenditures due from state/district candidates for period April 1-30. A.C.A. §7-6-207(a)(1)(B)

16 Pre-election report of contributions and expenditures due for period May 1-13. A.C.A. §7-6-207(a)(1)(c); 7-6-208(a)(1); and 7-6-209(a)(1)

23 PREFERENTIAL PRIMARY ELECTION

Polls are open from 7:30 a.m. to 7:30 p.m. A.C.A. §7-5-304; §7-7-203(b)

29 Early voting for runoff election begins. A.C.A. §7-5-418(a)

31 Statements of Financial Interest due for independent candidates (except municipal candidates) unless a statement was filed as an incumbent office holder by January 31, 2000.

June, 2000

6 Pre-election report of contributions and expenditures for period May 14 - June 3 due for candidates involved in a runoff election. A.C.A. §7-6-207(a)(1)(c), 7-6-208(a)(1)(C) and 7-6-209(a)(1)

12 Deadline for citizens to file election complaint with Circuit Court. A.C.A. §7-5-807

13 GENERAL PRIMARY (RUNOFF) ELECTION

Polls open at 7:30 a.m. and close at 7:30 p.m. A.C.A. §7-7-203(a), §7-5-304

15 Deadline to file a preferential primary election contest. A.C.A. §7-5-801.

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15 May monthly report of contributions and expenditures due from unopposed candidates for period May 1-31. A.C.A. §7-6-207

22 30-day post-election contribution report due by county, municipal and township candidates. A.C.A. §7-6-208(a)(2), 7-6-209(a)(2)

30 Final Report of contributions and expenditures due from state/district candidates for period May 14-23, closing out primary account. A.C.A. §7-6-207(a)(1)(B)

July, 2000

3 Deadline for citizens to file election complaint with Circuit Court for runoff election. A.C.A. §7-5-807

6 Deadline for a candidate to contest election in Circuit Court. A.C.A. §7-5-801(d)

13 30 day final election contributions report due by county, municipal and township candidates in run-off election. A.C.A. §7-6-208(a)(2); §7-6-209

17 2nd Quarter report of contributions and expenditures due for period April 1, 2000 through June 30, 2000. Reporting requirement applies to state/district candidates not on ballot in 2000. A.C.A. §7-6-207(a)(1)(A)

17 Successful state/district primary candidates report of contributions and expenditures due for the period May 24 to June 30. A.C.A. §7-6-207(a)(1)(B)

30 Final Report of contributions and expenditures for period of June 4 - 13 due for state/district candidates involved in a runoff election. A.C.A. §7-6-207(a)(1)

August, 2000

15 July monthly report of contributions and expenditures due for period July 1-31, A.C.A.

September, 2000

- 8** Deadline for candidates for federal, state and district offices to file their certificate of nomination with the Secretary of State. §7-7-203(j)(1)
- 8** Write-in candidates for state and district offices must notify the Secretary of State of intentions to run and file a political practice pledge. §7-5-205, §7-6-102(a)(4)
- 8** Independent candidates for municipal office must file petitions of nomination and political practice pledges by noon. A.C.A. §14-42-206(b)(1), 7-7-103; 7-6-102
- 9** First day unopposed candidates may dispose of surplus funds by filing an affidavit with the Secretary of State pursuant to Ark. Code Ann. §7-6-203(j)(2).

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- 15** August monthly report of contributions and expenditures due from state/district candidates for period of August 1-31. A.C.A. §7-6-207(a)(1)(B)

October, 2000

- 3** Deadline for candidates to draw for ballot positions in the general election. A.C.A. §7-5-208(f)(4), §7-7-305(b)
- 8** Deadline to apply to register to vote for general election. Arkansas Constitution, Amendment 51; NVRA; AG Opinion 96-018A; A.C.A. §7-5-201
- 8** Statements of Financial Interest must be filed by independent and write-in candidates filing under A.C.A. §7-1-107 unless a statement was filed as an incumbent office holder by January 31, 2000. A.C.A. §21-8-701(c)
- 16** September monthly report of contributions and expenditures due from state/district candidates for period of September 1-30. A.C.A. §7-6-207(a)(1)(B)
- 16** 3rd Quarter report of contributions and expenditures due for period of July 1, 2000 through September 31, 2000. Reporting requirement applies to state/district candidates not on ballot in 2000. A.C.A. §7-6-207(a)(1)(A)
- 23** Early voting begins for general election. A.C.A. §7-5-418
- 29** Deadline to apply to register to vote in runoff general election. Arkansas Constitution, Amendment 51; A.C.A. §7-5-201; NVRA; AG Opinion 96-018A
- 31** Pre-election report of contributions and expenditures due for period of October 1-28. A.C.A. §7-6-208(a)(1), 7-6-207 and 7-6-209.

November, 2000

7 GENERAL ELECTION A.C.A. §7-5-102

Polls Open at 7:30 a.m. and close at 7:30 p.m. A.C.A. §7-5-304

13 Early voting begins. A.C.A. §7-5-418(a)

14 Deadline for county board of election commissioners to deliver certificate of election to winning candidates (unless votes affected by absentee ballots). A.C.A. §7-5-701(a)

15 October monthly report of contributions and expenditures due from state/district candidates for period of October 1-31. A.C.A. §7-6-207(a)(1)(B)

27 Deadline for filing election complaint with the Circuit Court for the general election. A.C.A. §7-5-807

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28 RUNOFF GENERAL ELECTION (county and municipal only) Polls open at 7:30 a.m. and close at 7:30 p.m. A.C.A. §7-5-703, §7-5-704, §7-5-106.

30 Deadline for candidate to contest general election in Circuit Court. A.C.A. §7-5-801(d)

December, 2000

5 Deadline for county election commission to deliver certificates of election to persons elected in the runoff general election. A.C.A. §7-5-701(a)

7 30-day post-election report due from county, municipal and township candidates. A.C.A. §7-6-208(a)(2), 7-6-209, 7-6-207

18 Deadline to file complaint with the circuit court in the runoff general election. A.C.A. §7-5-807

21 Deadline for candidate to contest election in Circuit Court. A.C.A. §7-5-802

30 Final Report of contributions and expenditures due from state/district candidates. A.C.A. §7-6-207(a)(1)

30 Last day to dispose of surplus campaign funds. A.C.A. §7-6-203(j)

January, 2001

15 Deadline for state and district candidates to file quarterly reports covering the period October 1, 2000 through December 31, 2000. A.C.A. §7-6-207(a)(D)

31 Deadline for incumbents to file statements of financial interest or code of ethics. §21-8-701(c)

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CAMPAIGN ETHICS

The Arkansas Ethics Commission has jurisdiction over Arkansas' Disclosure Act for Lobbyists and State and Local Officials and the Arkansas Standards of Conduct and Disclosure Act for Candidates and Political Campaigns. It has the authority to issue advisory opinions and investigate alleged violations of campaign financing. Penalties for violating these acts include a public letter of caution or warning, fines up to \$1,000 or imprisonment for up to one year. (A.C.A. §7-6-201 et seq.)

The Arkansas Code of Judicial Conduct serves as a guide for the conduct of judges. Although judges should consider all provisions of the Code when dealing with campaign issues, Canon 5 specifically addresses political activities. Canon 5(A)(3)(d)(ii), which had prohibited judicial candidates from announcing views on disputed legal or political issues, was amended by a per curiam order issued by the Arkansas Supreme Court on January 29, 1996. That section was amended so that candidates are now prohibited from making

...statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or...

Other campaign issues addressed by Canon 5 include the candidate's relationship to and activity in a political party and the candidate's responsibility to oversee and limit the campaign practices of employees. Judge-candidates involved in contested elections must also be especially sensitive to the rules of disqualification found in Canon 3.

A.C.A. §7-7-305 addresses the issue of the use of nicknames and titles on the ballot.

The Judicial Ethics Advisory Committee was created to give advisory opinions to elected officials, judicial officers and candidates for judicial office concerning the compliance of their future conduct with the Arkansas Code of Judicial Conduct. Requests for advisory opinions must be made in compliance with the Procedural Rules for the Arkansas Judicial Ethics Advisory Committee. [A copy of the procedural rules is found on page 25.](#)

The Judicial Ethics Advisory Committee has issued several advisory opinions regarding appropriate conduct regarding judicial campaigns.

Advisory Opinion #93-04 stated that it is a violation of Canon 5C(2) of the Arkansas Code of Judicial Conduct for judicial campaign surplus funds to exist.

Advisory Opinion #93-07 clarified Opinion #93-04 by stating that all campaign surplus funds "without exception or exclusion, including the time of its accumulation, or variance with legislative acts, or other rule of law" must be returned to the contributor or turned over to the State Treasurer.

Advisory Opinion #94-02 advised a municipal judge that he should recuse whenever an attorney who is opposing the judge for re-election appears before the judge.

Advisory Opinion #94-05 concluded that a judge must act sua sponte on the issue

of disqualification, and is not permitted to preside until a party objects.

Advisory Opinion #94-06 stated that a retired judge can participate in judicial campaigns

to the same extent, and with the same limitations, as any other attorney.

Advisory Opinion #94-07 addressed whether a judge who is seeking re-election must disqualify himself when a party in a contested proceeding is represented by a declared candidate for the judge's position. The Committee cited the doctrine of necessity which provides that, despite compelling reasons for disqualification, recusal is not required if no mechanism exists for transfer of the matter to another court or appointment of a substitute judicial officer. The doctrine does not necessarily mean that a judge may preside in every instance in which the judicial challenger appears before him/her. Such matters, though, are left to the evaluation of the judge.

Advisory Opinion #95-04 stated that a candidate may not ask a landowner for permission to place a campaign sign on his property. It said that a candidate may write letters to members of the electorate giving information about the candidate's background, the reasons for seeking the office, and the candidate's plan for judicial office. The letters may ask for suggestions, advice, the encouragement, vote and support of the recipient. They may not request publicly stated support.

Advisory Opinion #96-02 stated that a campaign committee of a candidate for judicial office who is unopposed in the primary election may solicit contributions for 45 days after the filing deadline for party candidates or independent candidates, whichever is later.

Advisory Opinion #98-015 stated that a 10 day preelection report must be *physically received* in the office of the Secretary of State and in the County Clerk's office of the county where the state or district candidate resides at least seven days prior to the election in question, whether a primary, runoff, general or special election.

Advisory Opinion #99-08 stated that a Court of Appeals judge could send a letter to selected residents of the district that elected him to inform them that there are two positions from the district. While the letter comes very close to being a political letter, its primary purpose is informative and it does not fall within the prohibited political activity addressed in Canon 5.

[The full text of Canon 5 is on page 21.](#)

CANON 5 OF THE ARKANSAS CODE OF JUDICIAL CONDUCT

A JUDGE OR JUDICIAL CANDIDATE SHALL REFRAIN FROM INAPPROPRIATE POLITICAL ACTIVITY

A. All Judges and Candidates.

(1) Except as authorized in Sections 5B(2), 5C(1) and 5C(3), a judge or a candidate for election or appointment to judicial office shall not:

- (a) act as a leader or hold an office in a political organization;
- (b) publicly endorse or publicly oppose another candidate for public office;
- (c) make speeches on behalf of a political organization;
- (d) attend political gatherings; or
- (e) solicit funds for, pay an assessment to or make a contribution to a political organization or candidate, or purchase tickets for political party dinners or other functions.

Commentary:

A judge or candidate for judicial office retains the right to participate in the political process as a voter.

Where false information concerning a judicial candidate is made public, a judge or another judicial candidate having knowledge of the facts is not prohibited by Section 5A(1) from making the facts public.

Section 5A(1)(a) does not prohibit a candidate for elective judicial office from retaining during candidacy a public office such as county prosecutor, which is not "an office in a political organization."

Section 5A(1)(b) does not prohibit a judge or judicial candidate from privately expressing his or her views on judicial candidates or other candidates for public office.

A candidate does not publicly endorse another candidate for public office by having that candidate's name on the same ticket.

(2) A judge shall resign from judicial office upon becoming a candidate for a non-judicial office either in a primary or in a general election, except that the judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention if the judge is otherwise permitted by law to do so.

(3) A candidate for a judicial office:

- (a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and

shall encourage members of the candidate's

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family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

Commentary:

Although a judicial candidate must encourage members of his or her family to adhere to the same standards of political conduct in support of the candidate that apply to the candidate, family members are free to participate in other political activity.

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and shall discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under the Sections of the Canon;

(c) except to the extent permitted by Section 5C(2), shall not authorize or knowingly permit any other person to do for the candidate what the candidate is prohibited from doing under the Sections of this Canon;

(d) shall not:

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent;

Commentary:

Section 5A(3)(d) prohibits a candidate for judicial office from making statements that appear to commit the candidate regarding cases, controversies or issues likely to come before the court. As a corollary, a candidate should emphasize in any public statement the candidate's duty to uphold the law regardless of his or her personal views. See also Section 3B(9), the general rule on public comment by judges. Section 5A(3)(d) does not prohibit a candidate from making pledges or promises respecting improvements in court administration. Nor does this Section prohibit an incumbent judge from making private statements to other judges or court personnel in the performance of judicial duties. This Section applies to any statement made in the process of securing judicial office, such as statements to commissions charged with judicial selection and tenure and legislative bodies confirming appointment. See also Rule 8.2 of the Arkansas Rules of Professional

Conduct.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Section 5A(3)(d).

B. Candidates Seeking Appointment to Judicial or Other Governmental Office.

(1) A candidate for appointment to judicial office or a judge seeking other governmental office

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shall not solicit or accept funds, personally or through a committee or otherwise, to support his or her candidacy.

(2) A candidate for appointment to judicial office or a judge seeking other governmental office shall not engage in any political activity to secure the appointment except that:

(a) such persons may:

(i) communicate with the appointing authority, including any selection or nominating commission or other agency designated to screen candidates;

(ii) seek support or endorsement for the appointment from organizations that regularly make recommendations for reappointment or appointment to the office, and from individuals to the extent requested or required by those specified in Section 5B(2)(a); and

(iii) provide to those specified in Sections 5B(2)(a)(i) and 5B(2)(a)(ii) information as to his or her qualifications for the office;

(b) a non-judge candidate for appointment to judicial office may, in addition, unless otherwise prohibited by law;

(i) retain an office in a political organization,

(ii) attend political gatherings, and

(iii) continue to pay ordinary assessments and ordinary contributions to a political organization or candidate and purchase tickets for political party dinners or other functions.

Commentary:

Section 5B(2) provides a limited exception to the restrictions imposed by Sections 5A(1) and 5D. Under Section 5B(2), candidates seeking reappointment to the same judicial office or appointment to another judicial office or other governmental office may apply for the appointment and seek appropriate support.

Although under Section 5B(2) non-judge candidates seeking appointment to judicial office are permitted during candidacy to retain office in a political organization, attend political gatherings and pay ordinary dues and assessments, they remain subject to other provisions of this Code during candidacy. See Sections 5B(1), 5B(2)(a), 5E and Application Section.

C. Judges and Candidates Subject to Public Election.

(1) A judge or a candidate subject to public election may, except as prohibited by law:

(a) at any time

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(i) purchase tickets for and attend political gatherings;

(ii) identify himself or herself as a member of a political party; and

(iii) contribute to a political organization;

(b) when a candidate for election

(i) speak to gatherings on his or her own behalf;

(ii) appear in newspaper, television and other media advertisements supporting his or her candidacy; and

(iii) distribute pamphlets and other promotional campaign literature supporting his or her candidacy.

Commentary:

Section 5C(1) permits judges subject to election at any time to be involved in limited political activity. Section 5D, applicable solely to incumbent judges, would otherwise bar this activity.

(2) A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly stated support. A candidate may, however, establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers.

A candidate's committee may solicit contributions and public support for the candidate's campaign no earlier than 180 days before a primary election and no later than 45 days after the last contested election in which the candidate participates during the

election year.

Funds received prior to the 180 day limitation or after the 45 day limitation shall be returned to the contributor. If funds are received personally by a judicial candidate, the candidate shall promptly turn them over to the campaign committee. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others. Any campaign fund surplus shall be returned to the contributors or turned over the State Treasurer as provided by law.

Commentary:

Section 5C(2) permits a candidate, other than a candidate for appointment, to establish campaign committees to solicit and accept public support and reasonable financial contributions. At the start of the campaign, the candidate must instruct his or her campaign committees to solicit or accept only contributions that are reasonable under the circumstances. Though not prohibited, campaign contributions of which a judge has knowledge, made by lawyers or others who appear before the judge, may be relevant to disqualification under Section 3E.

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Campaign committees established under Section 5C(2) should manage campaign finances responsibly, avoiding deficits that might necessitate post-election fund-raising, to the extent possible.

Section 5C(2) does not prohibit a candidate from initiating an evaluation by a judicial selection commission or bar association, or, subject to the requirements of this Code, from responding to a request for information from any organization.

(3) Except as prohibited by law, a candidate for judicial office in a public election may permit the candidate's name: (a) to be listed on election materials along with the names of other candidates for elective public office, and (b) to appear in promotions of the ticket.

Commentary:

Section 5C(3) provides a limited exception to the restrictions imposed by Section 5A(1).

Application

D. Incumbent Judges. A judge shall not engage in any political activity except (i) as authorized under any other Section of this Code, (ii) on behalf of measures to improve the law, the legal system or the administration of justice, or (iii) as expressly authorized by law.

Commentary:

Neither Section 5D nor any other section of the Code prohibits a judge in the exercise

of administrative functions from engaging in planning and other official activities with members of the executive and legislative branches of government. With respect to a judge's activity on behalf of measures to improve the law, the legal system and the administration of justice, see Commentary to Section 4B and Section 4C(1) and its Commentary.

E. Applicability. Canon 5 generally applies to all incumbent judges and judicial candidates. A successful candidate, whether or not an incumbent, is subject to judicial discipline for his or her campaign conduct; an unsuccessful candidate who is a lawyer is subject to lawyer discipline for his or her campaign conduct. A lawyer who is a candidate for judicial office is subject to Rule 8.2(b) of the Arkansas Rules of Professional Conduct.

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PROCEDURAL RULES FOR THE ARKANSAS JUDICIAL ETHICS ADVISORY COMMITTEE

Rule 1. Judicial Ethics Advisory Committee -- Organization.

Pursuant to Section 5 of Act 791 of 1991 a Judicial Ethics Advisory Committee is hereby created to give advisory opinions to elected officials, judicial officers and candidates for judicial office seeking opinions concerning the compliance of an intended, future course of conduct with the Arkansas Code of Judicial Conduct. The Committee, appointed by the Judicial Discipline & Disability Commission, shall consist of no more than two retired justices or judges and one attorney who is a member of the Arkansas Bar and has never been a publicly elected judicial officer. Committee members may be reappointed and shall serve for three-year terms from date of appointment except that to achieve staggered terms, the first two appointed retired judges shall draw for which one shall serve for three years and which one shall serve for one year. The first appointed attorney shall serve for a two-year term. Vacancies on the committee for an unexpired term shall be filled for the remainder of the term. No member shall serve simultaneously on the Judicial Ethics Advisory Committee and the Judicial Discipline & Disability Commission. Members of the Committee shall be reimbursed their actual and necessary expenses incurred in the discharge of their official duties by the Judicial Discipline & Disability Commission. A chair shall be elected by the Committee members. The Committee may promulgate additional rules of procedure not inconsistent with these rules.

Rule 2. Eligibility for Requesting Advisory Opinions and Submissions.

A request for a judicial ethics advisory opinion shall be directed to the Executive Director of the Judicial Discipline & Disability Commission, who shall forward the request to the committee. Requests will be accepted only from elected officials, judicial officials (justices or judges) and publicly declared candidates for judicial office.

Rule 3. Request for Advisory Opinions -- Contents.

Requests for judicial ethics advisory opinions shall relate to prospective conduct only and shall contain a complete statement of all facts pertaining to the intended conduct together with a clear, concise question of judicial ethics. The identity of the individual, whose proposed conduct is the subject of the request, shall be disclosed to the Committee. The requesting individual shall include with the request a concise memorandum setting forth his or her own research and conclusions concerning the question and the statement that the matter is not the subject of a pending disciplinary proceeding. Requests shall not be accepted or referred for opinion unless accompanied by this memorandum.

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Rule 4. Scope of and Procedure for Issuance of Advisory Opinions.

Advisory opinions shall set forth the facts upon which the opinion is based. Advisory opinions shall address only whether an intended, future course of conduct violates the Arkansas Code of Judicial Conduct and shall provide an interpretation of this Code with regard to the factual situation presented. The opinion shall not address issues of law nor shall it address the ethical propriety of past or present conduct. The identity of the requesting person shall be disclosed in the opinion. If the individual facts and circumstances provided are sufficient in detail to enable the Committee to render an advisory opinion, the Committee shall request supplementary information from the requesting individual to enable it to render such opinion. If such supplementary information is still insufficient or is not provided, the Committee shall so state and shall not render an advisory opinion based upon what is considered to be insufficient detail. The committee may respond to requests for an advisory opinion by referring the requesting individual to a prior opinion and by so doing need not publish a new advisory opinion. Two members of the Committee shall constitute a quorum for the transaction of any Committee business, including the issuance of an advisory opinion, whether in a meeting or by conference call or by circulated writing.

Rule 5. Distribution and Publication of Advisory Opinions.

The Executive Director of the Judicial Discipline & Disability Commission shall provide a copy of each advisory opinion to the requesting party, the Chief Justice of the Supreme Court, the Judicial Discipline & Disability Commission, the Supreme Court library, and two law school libraries and the American Judicature Society. The Executive Director of the Judicial Discipline & Disability Commission shall keep the original opinion in a permanent file. Copies of the opinion will also be published in a publication generally available to judicial officials such as the Supreme Court advance sheets.

Rule 6. Binding Effects of Advisory Opinions.

All opinions shall be advisory in nature only. No opinion shall be binding on the Judicial Discipline & Disability Commission or the Supreme Court in the exercise of their judicial discipline responsibilities. However, compliance by the requesting individual with a written advisory opinion of the Committee is evidence of a good faith effort to comply with the Arkansas Code of Judicial Conduct. An opinion given to a requesting individual in an oral

conversation is not binding on the Committee nor evidence of a good faith effort to comply with the Arkansas Code of Judicial Conduct.

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